

URBAN/MUNICIPAL
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1992

CONTROL
AND
LICENSING OF DOGS
BY-LAWS

THE CONSOLIDATION OF THE BY-LAW IS
PREPARED FOR CONVENIENCE ONLY, FOR
ACCURATE REFERENCE PLEASE CHECK THE
ORIGINAL BY-LAW



The Corporation of the City of Hamilton

BY-LAW NO. 85- 148

Respecting:

CONTROL AND LICENSING OF DOGS

WHEREAS paragraphs 1, 2 and 3 of section 210 of The Municipal Act, R.S.O. 1980, Chapter 302 authorize by-laws for regulating or prohibiting the keeping of animals, for regulating animal breeding or boarding establishments and for providing pounds;

AND WHEREAS Part I of The Dog Licensing and Live Stock and Poultry Protection Act, R.S.O. 1980, Chapter 123 authorizes by-laws for the licensing and registration of dogs and for prohibiting or regulating the running at large of dogs.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this by-law,
 - (a) "by-law enforcement officer" means an animal control officer appointed by the poundkeeper and designated as a Provincial Offences Officer;
 - (b) "city" means The Corporation of the City of Hamilton;
 - (c) "control" includes care or custody;
 - (d) "dog" means any dog, male or female, but does not include a dog guide within the meaning of The Blind Persons' Rights Act, or a police work dog;
 - (e) "dog owner" means a person who owns a dog or a person who possesses, keeps, or harbours a dog for any period of time;
 - (f) "guard dog" means a dog that is used to protect non-residential property, but does not include a police work dog;
 - (g) "Hamilton S.P.C.A." means The Hamilton Society for the Prevention of Cruelty to Animals, Inc.;
 - (h) "highway" means a common and public highway, street, avenue, parkway, driveway, square, place and bridge, designed and intended for or used by the general public for the passage of vehicles;
 - (i) "holidays" has the same meaning as in The Interpretation Act;
 - (j) "kennel" means an establishment for the breeding or boarding of dogs;
 - (k) "licence" means a receipt issued by the Treasurer of the city;

- (l) "licensing agent" means the Hamilton S.P.C.A.;
- (m) "licensing committee" means The City of Hamilton Licensing Committee, established under By-law No. 78-224;
- (n) "municipal property" means property other than a highway or public park;
- (o) "person other than dog owner" does not include by-law enforcement officer, poundkeeper or licensing agent;
- (p) "police work dog" means a dog trained for and actually engaged in law enforcement for the Hamilton-Wentworth Regional Police;
- (q) "poundkeeper" means the Hamilton S.P.C.A.;
- (r) "public place" includes a highway, public park and other municipal property;
- (s) "public park" means a park, recreation area, recreation centre, playlot, playground, school ground, athletic field, square, avenue, boulevard, drive, and any building thereon intended for, or used by, the general public;
- (t) "running at large" means to be found in any place other than the premises of the owner of the dog and not under the control of any person.

PART 1

Dog Control

- 2. (1) No dog owner shall acquiesce in, allow, permit or cause, his dog to run at large.
- (2) Every dog owner shall prevent his dog from running at large.
- 3. (1) Notwithstanding that a dog is under the control of any person other than a dog owner when not on the premises of the dog owner, the dog owner shall not allow, permit, or cause the dog to be found, or shall not acquiesce in the dog being found on or in the following premises:
 - 1. A public park.
 - 2. A highway or municipal property, except under physical restraint by means of a leash or other means of confinement.
 - 3. Private property, without the consent of the owner of the premises.
- (2) Any person other than a dog owner who has under his control a dog when not on the premises of the dog owner, shall not allow, permit, or cause the dog to be found on or in the premises referred to in subsection 1.
- 4. Every dog owner referred to in subsection 3(1) and every person other than the dog owner referred to in subsection 3(2), shall prevent the dog being found on or in the premises referred to in subsection 3(1).

5. No dog owner and no person other than a dog owner who has a dog under his control by means of a leash, shall permit the dog to enter upon private property without the consent of the owner of the property.

6. No guard dog shall be kept or harboured on non-residential property by a dog owner or a person having control of the dog, unless the dog owner or person posts or causes to be posted conspicuous, legible and clearly visible signs at the location where the dog is commonly kept or harboured, informing the public that a guard dog is kept or harboured on the property.

7. A by-law enforcement officer may capture and take into custody any dog,

(a) found running at large;

(b) in or on,

(i) a public park;

(ii) a highway or municipal property when not under physical restraint by means of a leash or other means of confinement;

(iii) on private property without the consent of the owner of the premises.

8. (1) Every dog delivered to the poundkeeper shall be impounded upon delivery to him by a by-law enforcement officer.

(2) Except for a female dog in heat, every dog impounded shall be detained for a period of three days from the time of delivery to the poundkeeper, exclusive of holidays.

(3) Subject to subsection 10(2) every female dog seized and captured while in heat, shall be impounded at least during heat but for not more than 21 days from the time of delivery to the poundkeeper, exclusive of holidays.

9. Every dog owner and any person other than a dog owner having control of a female dog in heat, shall keep the dog confined in a manner as to prevent access to the female dog by male dogs.

10. (1) Except as provided in subsection 2, every dog that has been impounded shall be claimed by the dog owner within seventy-two hours from the time of delivery to the poundkeeper, exclusive of holidays.

(2) No female dog in heat shall be released to the dog owner unless arrangements satisfactory to the poundkeeper have been made by the dog owner, for confinement of the female dog in a manner as to prevent access to the dog by male dogs.

11. Where a dog is claimed, the owner shall provide proof of ownership of the dog, and

- (a) for a dog, for which a current year's dog tag has not been issued, pay a pound fee of \$25.00 and \$6.00 per day or portion thereof for each day the dog is in custody and also procure a licence for such dog;
- (b) for a dog for which a current year's licence has been issued, pay a pound fee of \$15.00 and \$6.00 per day or portion thereof for each day during which the dog is in custody;
- (c) for a dog with or without an identification tag taken into custody two or more times in a calendar year, pay a pound fee of \$30.00 and \$6.00 per day or portion thereof for each day the dog is in custody, each time the dog is in custody.

12. Where the owner of a dog does not claim the dog he shall, when known to the poundkeeper, pay a pound fee of \$25.00 and \$6.00 per day or portion thereof for each day the dog is in custody.

13. Where a dog that is impounded is not claimed by the dog owner within the time provided in subsection 10(1), the poundkeeper may detain the dog for such further time as he may consider proper and during that time,

- (a) sell the dog for such price as he may consider proper; or
- (b) kill the dog in a humane manner or dispose of the dog as he sees fit.

14. Where a dog is injured before or after being captured or taken into custody, or in the opinion of the poundkeeper should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or other officer appointed by the poundkeeper, may kill the dog in a humane manner as soon after capture or custody as he may determine without permitting any person to reclaim the dog or without offering it for sale.

15. Where a dog is captured or taken into custody and the services of a Veterinary Surgeon are secured by the poundkeeper and the dog is not killed or the dog dies or is killed, the owner shall pay to the poundkeeper all fees and charges of the Veterinary Surgeon in addition to all other fees and per diem charges payable under this by-law.

16. (1) No person shall forceably retrieve a dog from a by-law enforcement officer.

(2) No person shall break and enter into a patrol or other vehicle of the Hamilton S.P.C.A. for the purpose of retrieving a dog.

(3) No person shall retrieve a dog without payment in full of all fees and charges payable under this by-law.

17. No compensation, damages, fees or other sum shall be,

(a) recoverable by a dog owner or person other than a dog owner;

(b) paid by the Hamilton S.P.C.A.,

on account of, or by reason of,

(c) capturing, taking into custody, or impounding a dog, or

(d) selling, killing or disposing of a dog,

in the course of the administration and enforcement of this by-law.

18. (1) No dog owner and no person who has control of a dog shall suffer, allow, or permit the dog to defecate on or in the following premises:

1. Public place;

2. Private property, without the consent of the owner of the premises.

(2) The dog owner or person referred to in subsection 1 shall immediately and without delay, remove the excrement and provide for its sanitary disposition.

PART 2

Licensing

19. (1) Every dog owner, except a kennel owner or operator shall, upon application and payment of licence fees and upon approval of the licensing agent, obtain from him not later than January 2nd in each year, a licence and a dog tag.

(2) A separate application for a licence shall be made for each dog.

(3) Every application shall contain a description of the dog sufficient to identify the dog and the date on which the dog was acquired, accompanied by a receipt for the acquisition or other information satisfactory to the licensing agent.

(4) Every licence shall be for one year and expire on December 31st in each year.

20. (1) Except as provided in subsection 2, a licence fee shall be paid to the licensing agent at the time the licence is issued, in accordance with schedule "A" hereto annexed and forming part of this by-law.

(2) A person in receipt of an old age pension under The Old Age Security Act (Canada), shall pay 25% of the amount of the licence fees set out in schedule "A".

21. A dog owner to whom a licence is issued in respect of a dog, shall be provided with a registration number for the dog, and a dog tag without cost.

22. (1) A dog tag shall be a metallic plate having raised, cast or stamped thereon figures that indicate the year for which the licence fee has been paid and the registration number of the dog.

(2) Every guard dog owner shall be provided with a special red tag without cost.

23. Notwithstanding any other provision of this by-law, no fee shall be paid for a licence and a dog tag,

- (a) where a certificate is produced from the Canadian National Institute For the Blind, stating that a dog is a dog guide;
- (b) where a certificate from a recognized training establishment is produced, stating that a dog is being used as a hearing dog;
- (c) where a dog is a police work dog.

24. (1) Every licence is personal to the holder thereof and no licence is transferable.

(2) No person shall use a dog tag in respect of any dog for which the licence was not issued.

25. Every dog tag shall be securely affixed to a collar on the dog in respect of which the licence was issued, and shall remain so affixed until a licence is issued and a tag provided for the next subsequent year.

26. (1) Except as provided in section 23, where a dog tag has been lost, the dog owner shall apply to the licensing agent for a replacement dog tag.

(2) The application shall be accompanied by,

- (a) proof that the current year's licence fee has been paid; and
- (b) payment of a fee of \$1.00 to the licensing agent.

(3) Upon receipt of the application, the licensing agent may provide a replacement tag.

PART 3

Kennels

27. (1) Every person who owns or operates a kennel shall, upon application and payment of a licence fee and upon the approval of the licensing agent, obtain from him not later than January 31st in each year, a licence to operate a kennel.

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(2) A separate application for a licence shall be made for each kennel.

(3) Every applicant for a licence shall pay a licence fee of \$50.00.

(4) Every kennel licence shall be for one year and expire on December 31st in each year.

28. (1) Every person who owns or operates a kennel shall comply with the following regulations:

1. The kennel building shall have a floor made of concrete or other impermeable material.
2. The floor of the kennel building shall have a drain opening constructed as a plumbing fixture maintained in functioning condition at all times.
3. The kennel floor shall be thoroughly cleaned at least once every day, or more often as may be necessary to keep the floor clean.
4. The kennel and surrounding area shall be maintained in a sanitary, ventilated and clean condition free from offensive odours.
5. Dogs shall be kept in sanitary, well bedded, well ventilated, lighted and clean quarters which are kept at healthful temperatures, at all times.
6. Dogs shall be fed and watered periodically each day and kept in a clean and healthy condition, free from vermin and disease.
7. Exercise areas shall be provided so as to enable each dog to exercise freely and easily so as to maintain physical health and well-being.
8. A security fence of adequate height, type and construction shall encircle the perimeter of the kennel area so as to prevent dogs from escaping from the premises.

(2) Every person who owns or operates a kennel shall comply with the by-laws of the city.

(3) Where an owner or operator of a kennel fails to comply with a by-law of the city, the licence may be suspended or revoked and The Statutory Powers Procedure Act shall apply.

(4) A hearing in respect of a proposed suspension or revocation shall be held before the licensing committee.

29. (1) Every person who owns or operates a kennel shall permit a by-law enforcement officer to enter and inspect the kennel at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this by-law.

(2) A by-law enforcement officer may enter and inspect the kennel under authority of a search warrant issued under section 142 of The Provincial Offences Act.

(3) Where a by-law enforcement office finds that the owner or operator of a kennel does not comply with any regulation in section 28, he may direct that the dogs shall be seized and impounded by the poundkeeper.

PART 4

Voluntary Payment Out of Court

30. Where a by-law enforcement officer believes that one or more persons has committed an offence under this by-law, the officer may issue an offence notice or summons in accordance with section 3 of The Provincial Offences Act.

PART 5

Penalties

31. (1) Every dog owner who allows his dog to run at large contrary to section 2, is guilty of an offence and on conviction is liable to a fine of not more than \$50.00, exclusive of costs.

(2) Every dog owner and every person other than a dog owner who contravenes any other provision of PART 1, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

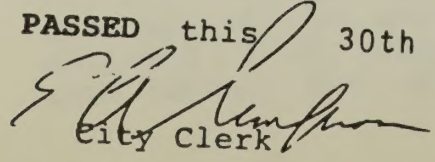
32. Every dog owner, except a kennel owner or operator, and any person other than a dog owner who contravenes any provision of PART 2, is guilty of an offence and on conviction is liable to a fine of not more than \$50.00, exclusive of costs.

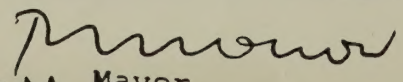
33. Every person who owns or operates a kennel and every person other than a dog owner who contravenes any provision of PART 3, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

34. By-law No. 76-271, as amended by By-law No. 82-120, and By-law No. 76-272, as amended by By-law No. 82-121, are repealed.

PASSED this 30th day of July

A.D. 1985.


City Clerk


Mayor

SCHEDULE "A"

(Section 20)

1. Where a licence is issued during the period from January 1st to and including April 1st, the licence fees shall be in the amounts as follows:
 1. One spayed or neutered dog.....\$10.00
 2. Each additional spayed or neutered dog.....\$10.00
 3. One not spayed or neutered dog.....\$20.00
 4. Each additional not spayed or neutered dog.....\$25.00
2. Where a licence is issued during the period from April 2nd to and including June 31st, for a dog acquired prior to April 2nd, the licence fee shall be in the amounts as follows:
 1. One spayed or neutered dog.....\$12.00
 2. Each additional spayed or neutered dog.....\$12.00
 3. One not spayed or neutered dog.....\$22.00
 4. Each additional not spayed or neutered dog.....\$27.00
3. Where a licence is issued during the period from July 1st to and including December 31st, the licence fees for a dog acquired prior to July 1st, shall be in the amounts as follows:
 1. One spayed or neutered dog.....\$20.00
 2. Each additional spayed or neutered dog.....\$20.00
 3. One not spayed or neutered dog.....\$30.00
 4. Each additional not spayed or neutered dog.....\$35.00
4. Where a license is issued during the period from July 1st to and including December 31st, the licence fees for a dog acquired after July 1st, shall be in the amounts as follows:
 1. One spayed or neutered dog.....\$ 5.00
 2. Each additional spayed or neutered dog.....\$ 5.00
 3. One not spayed or neutered dog.....\$10.00
 4. Each additional not spayed or neutered dog.....\$12.50



The Corporation of the City of Hamilton

BY-LAW NO. 86- 342

To Amend:

By-law No. 85-148

Respecting:

DOGS

WHEREAS By-law No. 85-148, passed on the 30th day of July, 1985, as amended by By-laws Nos. 85-125, passed on the 8th day of October, 1985 and 86-117, passed on the 25th day of March, 1986, provides for the control and licensing of dogs;

AND WHEREAS it is intended to further amend the said by-law as hereinafter set out.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 85-148 is amended by adding thereto the following section:

2a. No dog owner or person other than a dog owner shall allow or permit a dog under his control to bite or attack any person.

2. The said by-law is amended by adding thereto the following section:

5a. Every dog owner shall provide a restraint or enclosure as may be required for the specific breed of dog, for the purpose of confining the dog to the premises of the dog owner.

3. (1) Section 18 of the said by-law is amended by adding thereto the following subsection:

(3) No dog owner and no person who has control of a dog shall suffer, allow or permit the dog to cause damage to private property.

(2) Subsection 18(1) of the said by-law is amended by inserting after "defecate" in the second line, "or urinate".

4. (1) Paragraphs 1, 2, 3, and 4 of section 1 of Schedule "A", referred to in subsection 20(1) of the said by-law, are repealed and the following substituted therefor:

1. One spayed or neutered dog.....\$15.00
2. Each additional spayed or
neutered dog.....\$15.00
3. One not spayed or neutered dog..\$30.00
4. Each additional not spayed or
neutered dog.....\$37.50

(2) Sections 2, 3 and 4 of Schedule "A" of the said by-law are repealed.

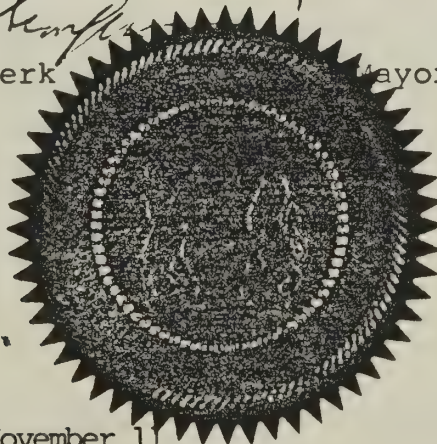
5. Section 20 of the said by-law is amended by adding thereto the following subsection:

(3) Notwithstanding subsection 20(1) where an application is made for a licence after March 1st in each year, the amount of the fee shall be increased by \$10.00.

6. Subsection 20(2) of the said by-law is amended by inserting after "(Canada)" in the second line, "and a handicapped person".

PASSED this 9th day of December A.D. 1986.

E.A. Kempster *Mayor*
City Clerk Mayor



E.A. Kempster

(1986) 17 R.L.C. 1(b),(c),(g),(h), November 11
(1986) 17 R.L.C. 8,9, November 11

The Corporation of the City of Hamilton

BY-LAW NO. 87- 296

To Amend:

By-law No. 85-148

Respecting:

VICIOUS DOGS

WHEREAS By-law No. 85-148, passed on the 30th day of July, 1985, as amended by By-laws Nos. 85-215, 86-117, 86-342 and 87-190 provides for the control and licensing of dogs;

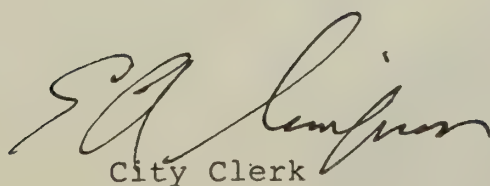
AND WHEREAS it is intended to change the definition of a vicious dog.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

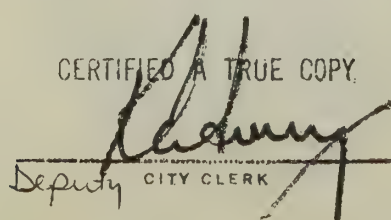
1. Clause (u) of By-law No. 85-148, as enacted by section 1 of By-law No. 85-215, is repealed and the following substituted therefor:

(u) "vicious dog" means a dog that has made an unprovoked attack or bite which causes physical injury to a person or to an animal under restraint or confined to the owner's property.

PASSED this 27th day of October A.D. 1987.


City Clerk


Mayor

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Deputy CITY CLERK

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The Corporation of the City of Hamilton

BY-LAW NO. 87-190

To Amend:

By-law No. 85-148

Respecting:

LICENCE FEES

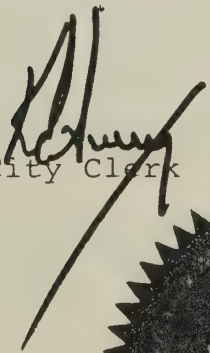
WHEREAS By-law No. 85-148, passed on the 30th day of July, 1985, as amended by By-laws Nos. 85-215, passed on the 8th day of October, 1985, 86-117, passed on the 25th day of March, 1986 and 86-342, passed on the 9th day of December, 1986, provides for the control and licensing of dogs;

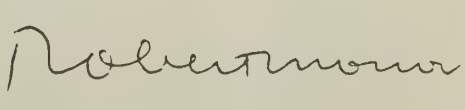
AND WHEREAS it is intended to avoid a licence fee increase of \$10.00 for an application made after March 1st in each year where the dog has been owned for less than 60 days.

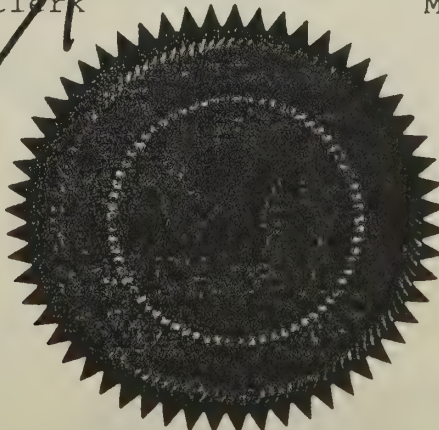
NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 20(3) of By-law No. 85-148, as enacted by section 5 of By-law No. 86-342, is amended by adding at the end thereof "except where proof of purchase is provided satisfactory to the licensing agent that the dog has been owned by the dog owner for less than sixty days."

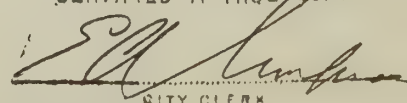
PASSED this 23rd day of June A.D. 1987.


Deputy City Clerk


Mayor



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CITY CLERK

Bill No. E-17

The Corporation of the City of Hamilton

BY-LAW NO. 88-270

To Amend:

By-law No. 85-148

Respecting:

DOG LICENCE FEES

WHEREAS By-law No. 85-148, passed on the 30th day of July 1985, provides for the control and licensing of dogs;

AND WHEREAS Schedule "A" annexed thereto and forming part of By-law No. 85-148 provides for licensing fees;

AND WHEREAS section 4 of By-law No. 86-342, passed on the 9th day of December 1986, amends Schedule "A" to By-law No. 85-148;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting section 6 of the 11th Report of the Legislation Committee at its meeting held on the 11th day of October 1988, directed that Schedule "A" to By-law No. 85-148 be amended to reflect increased fees for 1989.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "A" to By-law No. 85-148, as amended by By-law No. 86-342, is repealed and the following is substituted therefor:

SCHEDULE "A"

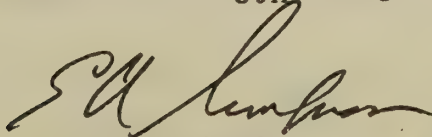
(Section 20)

Where a licence is issued during the period from January 1, 1989 to December 31, 1989, the licence fees shall be in the amount as follows:

1. One spayed or neutered dog.....\$15.00.
2. Each additional spayed or neutered dog.....\$15.00.
3. One not spayed or neutered dog.....\$32.00.
4. Each additional not spayed or neutered dog.\$32.00.

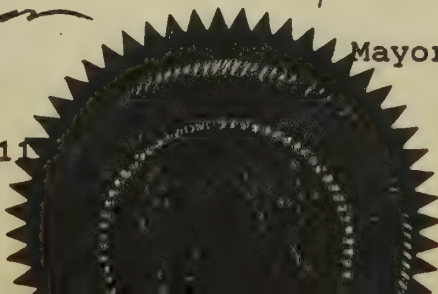
2. In all other respects, By-law No. 85-148, as amended by By-law No. 86-342 is hereby confirmed, unchanged.

PASSED this 8th day of November A.D. 1988.


City Clerk


Mayor

(1988) 11 R.L.C. 6, October 11



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CITY CLERK

Bill No. E-12

The Corporation of the City of Hamilton

BY-LAW NO. 89- 371

To Amend:

By-law No. 85-148

Respecting:

DOG LICENCE FEES

WHEREAS By-law No. 85-148, passed on the 30th day of July 1985, provides for the control and licensing of dogs;

AND WHEREAS Schedule "A" annexed thereto and forming part of By-law No. 85-148 provides for licensing fees;

AND WHEREAS section 4 of By-law No. 86-342, passed on the 9th day of December 1986, amends Schedule "A" to By-law No. 85-148;

AND WHEREAS Section 1 of By-law No. 88-270, passed on the 8th day of November 1988, repealed Schedule "A" to By-law No. 85-148 and substituted a new Schedule "A" in lieu thereof;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting section 3 of the 18th Report of the Legislation Committee at its meeting held on the 12th day of December 1989, directed that Schedule "A" to By-law No. 85-148 be amended to reflect increased fees for 1990.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "A" to By-law No. 85-148, as amended by By-law No. 86-342 and re-enacted by Section 1 of By-law No. 88-270, is repealed and the following is substituted therefor:

SCHEDULE "A"

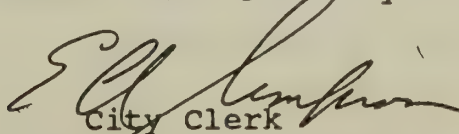
(Section 20)

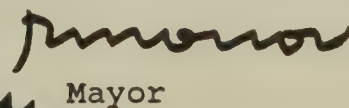
Where a licence is issued during the period from January 1, 1990 to December 31, 1990, the licence fees shall be in the amount as follows:

1. One spayed or neutered dog.....\$16.00.
2. Each additional spayed or neutered dog.....\$16.00.
3. One not spayed or neutered dog.....\$34.00.
4. Each additional not spayed or neutered dog.\$34.00.

2. In all other respects, By-law No. 85-148, as amended by By-laws No. 86-342 and 88-270 is hereby confirmed, unchanged.

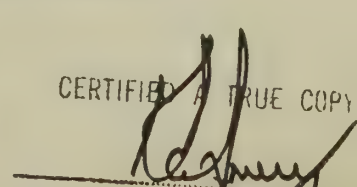
PASSED this 13th day of December A.D. 1989.


City Clerk


Mayor

(1989) 18 R.L.C. 3, December 12

CERTIFIED TRUE COPY


CITY CLERK

The Corporation of the City of Hamilton

BY-LAW NO. 96- 051

To Amend:

By-law No. 85-148

Respecting:

DOG LICENCE FEES

WHEREAS By-law No. 85-148, passed on the 30th day of July 1985, provides for the control and licensing of dogs;

AND WHEREAS Schedule "A" annexed thereto and forming part of By-law No. 85-148 provides for licensing fees;

AND WHEREAS City Council, on February 27, 1996, in adopting Section 3 of the 2nd Report of the Committee of the Whole, directed that Schedule "A" to By-law No. 85-148 be amended to reflect increased fees for 1996.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

- 1. Schedule "A" to By-law No. 85-148, as amended, is repealed and the following is substituted therefor:

SCHEDULE "A"

(Section 20)

- (1) Where a licence is issued during the period from March 1, 1996 to December 31, 1996, the licence fees shall be in the amount as follows:
 - 1. One spayed or neutered dog \$20.00
 - 2. Each additional spayed or neutered dog \$20.00
 - 3. One not spayed or neutered dog \$40.00
 - 4. Each additional not spayed or neutered dog \$40.00
- (2) Despite subsection 1, the following reduced fees apply to licences issued to dog owners over 65 years of age or dog owners who are receiving a disability pension.
 - 1. One spayed or neutered dog \$5.00
 - 2. Each additional spayed or neutered dog \$5.00
 - 3. One not spayed or neutered dog \$10.00
 - 4. Each additional not spayed or neutered dog \$10.00

2. In all other respects By-law No. 85-148 is hereby confirmed unchanged.

PASSED this 26th day of March, 1996.



CITY CLERK



MAYOR

(1996) 2 R.C.W. 3, February 27

The Corporation of the City of Hamilton

BY-LAW NO. 97-180

To Amend:

By-law No. 85-148

Respecting:

THE CONTROL AND LICENSING OF DOGS

WHEREAS By-law No. 85-148 was enacted on July 30, 1985 to regulate the control and licensing of dogs within the City;

AND WHEREAS paragraph 10 of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes a municipality to enact a By-law requiring the muzzling or leashing of a dog after it has bitten a person or a domestic animal, subject to the dog owner's right to appeal the muzzling or leashing Order;

AND WHEREAS City Council, on August 26, 1997, in adopting Section 28 of the Nineteenth Report of the Finance and Administration Committee, authorized this By-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Section 5(a) of By-law No. 85-148 is repealed and the following is substituted

"5. (a) Every dog owner shall provide a restraint or enclosure for the purpose of confining the dog to the premises of the dog owner."

2. By-law No. 85-148 is amended by the addition of the following Section:

"6. (b) (1) Despite any other provision of this By-law,

(i) where the Operations Manager of the Hamilton Society for the Prevention of Cruelty to Animals has reason to believe that a dog has bitten a person or a domestic animal, the Operations Manager shall serve a notice upon the owner requiring the owner to muzzle the dog, except when the dog is on the premises of the owner;

(ii) the notice shall be served on the owner in the same manner as the notice of hearing may be served under subsection (2)(b);

(iii) upon the service of the notice, the owner shall muzzle the dog except when the dog is on the premises of the owner."

- (2) Where the Operations Manager has reason to believe that a dog has bitten a person or a domestic animal, he or she shall, if requested by the owner, hold a hearing under the Statutory Power Procedure Act, to determine whether the dog has bitten a person or a domestic animal;

- (3) Prior to holding the hearing, the Operations Manager shall,
 - (a) cause a notice of hearing to be served on the owner;
 - (b) the notice of hearing may be served on the owner by the Operations Manager by handing it to the owner, but where the notice of hearing cannot be given or served by reason of the owner's absence from his or her premises or by reason of his or her evading service, the notice of hearing may be given or served by,
 - (i) handing it to an apparently adult person on the owner's premises; or
 - (ii) posting it up in a conspicuous place upon some part of the owner's premises; or
 - (iii) sending it by prepaid registered mail to the owner at the address where he or she resides and it shall be deemed to have been received by the person to whom it was addressed on the fifth day after the day of mailing.
- (4) The notice of hearing shall include a statement,
 - (a) of the facts which lead the Operations Manager to believe that the owner's dog has bitten a person or a domestic animal;
 - (b) setting out the time and place at which the Operations Manager will hold a public hearing to determine whether the dog has bitten a person or a domestic animal and whether or not the dog shall be exempted from the muzzling requirement;
 - (c) that if the owner does not attend the hearing, the Operations Manager may proceed with the hearing in the absence of the owner, and the owner will not be entitled to any further notice in the proceeding.
 - (d) that the Operations Manager shall also cause a notice of hearing to be served on the person bitten by the dog or the owner of the domestic animal bitten by the dog in the same manner as the notice of hearing may be served under subsection (2) with necessary modifications.
- (5) The owner may, if he or she wishes, be represented by counsel or an agent at the hearing and shall have the right to adduce evidence and to submit argument to show that the dog has not bitten a person or a domestic animal or to exempt the dog from the muzzling requirement, or both, and to cross-examine any witness adverse in interest to the owner, and in the event that the owner's dog is not exempted from the muzzling requirement, the Operations

Manager shall, at the request of the owner, deliver written reasons for his or her decision.

- (6) At the hearing, the Operations Manager shall consider all of the evidence and shall make a declaration that the dog of the owner,
 - (a) has bitten a person or domestic animal or has not bitten a person or domestic animal; and
 - (b) shall be muzzled, except when on the premises of the owner, or shall be exempt from the muzzling requirement.
- (7) In addition to the notice of decision required under Section 18 of the Statutory Powers Procedure Act, a copy of the declaration shall be served on the owner by the Operations Manager in the same manner as the notice of hearing may be served under subsection 2.
- (8) Every person who keeps a dog which requires muzzling under this section shall immediately notify the Operations Manager after he or she has transferred the ownership of the dog to any other person or has begun keeping the dog at a new location."

3. Section 31, is repealed and the following is substituted.

"31. Any person who contravenes any part of PART 1 is guilty of an offence and, upon conviction, is subject to the Penalties specified by Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended."

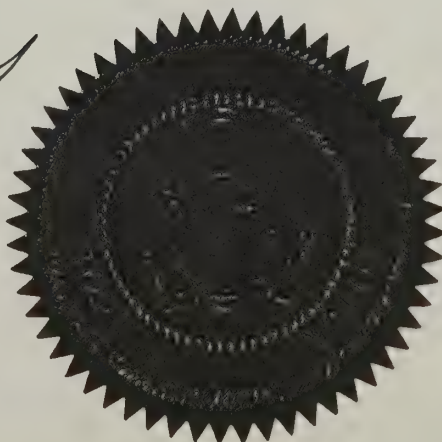
4. Section 33 is deleted and the following is substituted.

"33. Every person who owns or operates a kennel and every person, other than a dog owner, who contravenes any provision of PART 3, is guilty of an offence and upon conviction is liable to the Penalties specified in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended."

PASSED this 26th day of August, 1997.

D. M. Hollard

ACTING CITY CLERK



[Signature]

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 98-304

To Amend By-law No. 85-148

Respecting:

DOG LICENCE FEES

WHEREAS By-law No. 85-148, passed on the 30th day of July 1985, provides for the control and licensing of dogs;

AND WHEREAS Schedule "A" annexed thereto and forming part of By-law No. 85-148 provides for licensing fees;

AND WHEREAS City Council, on December 8, 1998, in adopting Section 13 of the 12th Report of the Parks and Recreation Committee, directed that Schedule "A" to By-law No. 85-148 be amended to reflect increased fees for 1999;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Schedule "A" to By-law No. 85-148, as amended, is repealed and the following is substituted therefor:

SCHEDULE "A"
(Section 20)

- (1) Where a licence is issued during the period from January 1, 1999 to December 31, 1999, the licence fees shall be in the amount as follows:

1. One spayed or neutered dog\$21.00
2. Each additional spayed or neutered dog 21.00
3. One not spayed or neutered dog\$41.00
4. Each additional not spayed or neutered dog\$41.00

- (2) Despite subsection 1, the following reduced fees apply to licences issued to dog owners over 65 years of age or dog owners who are receiving a disability pension.

1. One spayed or neutered dog\$6.00
2. Each additional spayed or neutered dog \$6.00
3. One not spayed or neutered dog\$11.00
4. Each additional not spayed or neutered dog\$11.00

2. In all other respects By-law No. 85-148 is hereby confirmed unchanged.

PASSED this 8th day of December, 1998.



MUNICIPAL CLERK



MAYOR



The Corporation of the City of Hamilton

BY-LAW NO. 00-066

To Amend:

By-law No. 85-148 and By-law No. 86-343

Respecting:

ANIMAL CONTROL AND LICENCING

WHEREAS By-law no. 85-148, passed on the 30th day of July 1985, provides for the control and licensing of dogs and By-law No. 86-343, passed on December 9, 1986 provides for the regulation and control of cats;

AND WHEREAS section 11 of By-law No. 85-148, as amended by By-law 85-215, passed on the 8th day of October, 1985, and section 9 of By-law 86-343 provide for the charging of impounding fees;

AND WHEREAS City Council, on April 25, 2000, directed that the By-laws be amended to reflect increased impounding fees for 2000 and thereafter;

AND WHEREAS City Council, on December 8, 1998, directed that section 20 of By-law No. 85-148, as amended, be amended to reflect increased licence fees for 1999;

AND WHEREAS City Council, on April 25, 2000, directed that section 20 of By-law No. 85-148 be amended to reflect increased fees for 2000 and thereafter;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Section 9 to By-law No. 86-343 as amended, is repealed and the following is substituted therefor:

9. Where a cat has been impounded, the owner shall

(a) pay a pound fee of \$30.00 to the Hamilton S.P.C.A. for the first day and \$10.00 for any additional day or part thereof that the cat remains in custody. For any second or subsequent impounding, the owner shall pay a pound fee of \$50.00 for the first day and \$10.00 for any additional day or part thereof that the cat remains in custody.

(b) pay any veterinarian fees incurred by the Hamilton S.P.C.A.

2. Sections 11 and 12 to By-law 85-148, as amended, are repealed and the following is substituted therefor:

11. Where a dog is claimed, the owner shall provide proof of ownership of the dog, and

(a) for a dog for which a current year's dog licence has not been issued, pay a pound fee of \$60.00 for the first day and \$15.00 for any additional day or part thereof that the dog remains in custody and shall also forthwith procure a licence for such dog. For any second or subsequent impounding, the owner shall pay a pound fee of \$120.00 for the first day and \$15.00 for any additional day or part thereof that the dog remains in custody and shall also forthwith procure a licence for such dog.

- (b) for a dog for which a current year's licence has been issued, pay a pound fee of \$30.00 for the first day and \$15.00 for any additional day or part thereof that the dog remains in custody.
- (c) for a vicious dog, pay a pound fee of \$200.00 for the first day and \$50.00 for any additional day or part thereof that the dog remains in custody.

12. Where the owner of a dog does not claim the dog, the owner shall, when known to the poundkeeper, pay the fees as set out in section 11 hereof.

3. By-law 85-148 as amended, being a by-law to control and licence dogs, is hereby further amended by repealing and replacing sections 19, 20 and Schedule "A" with the following;

19.(1) Every dog owner, except an owner or operator of a kennel owner in respect of the dogs boarded in the kennel, shall obtain and maintain in good standing a licence and tag for each dog owned and shall affix the dog tag to the dog for which it was obtained.

(2) No licence or tag is valid under this by-law unless the fees required to be paid have been paid in full.

(3) A person required to have a licence under (1), shall make application for a dog licence and pay the fee prescribed for each dog owned, and shall provide to the licensing agent:

- (a) identification of the owner,
- (b) the name and a description of the dog sufficient to identify the dog,
- (c) the date the dog was acquired accompanied by a receipt for the acquisition or other proof satisfactory to the licensing agent, and
- (d) such other information as may be required to issue a licence on the application or forms provided by the licensing agent.

(4) The applicant for a dog licence may apply for either a one or two year licence for a dog, and when applying for a two year licence shall pay double the fees prescribed in section 20 less the sum of \$2.00 upon application or renewal of a licence.

(5) A dog licence and tag paid for and issued under this by-law shall expire on the following dates occurring after the date of issue of the licence:

- (a) For an individual who has acquired a one year licence, on the anniversary date of the issuance of the first licence obtained for the dog under this by-law.
- (b) For an individual who has acquired a two year licence, on the second anniversary date of the issuance of the first licence obtained for the dog under this by-law.

(6) For the purposes of the renewal of a dog licence, the renewal date shall be the anniversary date of the issuance of the first licence for the particular dog.

(7) In the event an owner fails to obtain a valid licence prior to the expiry of a current licence, an additional late payment fee of \$15.00 shall be paid at the time of issuance of a new licence in addition to any fee prescribed by Schedule "A" hereto.

20. A licence fee shall be paid to the licensing agent at the time the licence is issued in accordance with Schedule "A" hereto annexed and forming part of this By-law.

Schedule "A"

(Section 20)

(1) Where a licence is issued during the period from January 1, 1999 to April 25, 2000:

- | | | |
|----|--|---------|
| 1. | One spayed or neutered dog | \$21.00 |
| 2. | Each additional spayed or neutered dog | \$21.00 |
| 3. | One not spayed or neutered dog | \$41.00 |
| 4. | Each additional spayed or neutered dog | \$41.00 |

(2) Notwithstanding subsection (1) of this Schedule, where a licence is issued to a dog owner who aged 65 or over during the period from January 1, 1999 to April 25, 2000:

- | | | |
|----|--|---------|
| 1. | One spayed or neutered dog | \$6.00 |
| 2. | Each additional spayed or neutered dog | \$6.00 |
| 3. | One not spayed or neutered dog | \$11.00 |
| 4. | Each additional spayed or neutered dog | \$11.00 |

(3) Where a licence is issued on or after April 25, 2000:

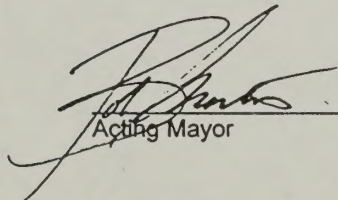
- | | | |
|----|--|---------|
| 1. | One spayed or neutered dog | \$21.00 |
| 2. | Each additional spayed or neutered dog | \$21.00 |
| 3. | One not spayed or neutered dog | \$61.00 |
| 4. | Each additional spayed or neutered dog | \$61.00 |

(4) Notwithstanding subsection (3) of this Schedule, where a licence is issued to a dog owner who aged 65 or over after April 25, 2000:

- | | | |
|----|--|---------|
| 1. | One spayed or neutered dog | \$6.00 |
| 2. | Each additional spayed or neutered dog | \$6.00 |
| 3. | One not spayed or neutered dog | \$18.00 |
| 4. | Each additional spayed or neutered dog | \$18.00 |

4. THAT this by-law shall come into force and take effect on January 1, 1999.

PASSED AND ENACTED this 25th day of April, 2000.


Acting Mayor


Acting Municipal Clerk



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